

FILED

October 28, 2021 12:40 PM

SX-2021-CV-00700

TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC (IPOS), VITOL
HOLDING, CO., VITOL VI, and
ANDREW CANNING,

Defendants.

CIVIL NO. SX-2021-CV-00700

BREACH OF CONTRACT

JURY TRIAL DEMANDED

NOTICE OF PROOF OF NON-SERVICE

COMES NOW Plaintiff, by and through the undersigned counsel, and hereby files
Plaintiff's Notice of Proof of Non-Service of the Summons and Complaint upon Defendant
Andrew Canning. See **Exhibit 1**.

RESPECTFULLY SUBMITTED
LEE J. ROHN AND ASSOCIATES, LLC
Attorneys for Plaintiff

DATED: October 28, 2021

BY: /s/ Lee J. Rohn
Lee J. Rohn, Esq.
VI Bar No. 52
1108 King Street, Suite 3 (mailing)
56 King Street, Third Floor (physical)
Christiansted, St. Croix
U.S. Virgin Islands 00820
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**EXHIBIT
G**

Petro Industrial Solutions, LLC v. IPOS, et. al., Civil No. SX-2021-CV-00700

NOTICE OF PROOF OF SERVICE

Page 2

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on October 28, 2021, I electronically filed the foregoing with the Clerk of the Court using the electronic filing system, which will send a notification of such filing to the following:

Simone Francis, Esquire
Ogletree, Deakins, Nash, Smoak & Stewart, LLC
The Tunick Building, Suite 201
1336 Beltjen Road
St. Thomas, VI 00802
Email Address: simone.francis@ogletreedeakins.com
Attorney For: Island Project and Operating Services, LLC

BY: /s/ Lee J. Rohn (kj)

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TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff(s),

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC (IPOS), VITOL
HOLDING, CO. , VITOL VI and
ANDREW CANNING,

Defendant(s).

CIVIL NO. SX-2021-CV-00700

BREACH OF CONTRACT

JURY TRIAL DEMANDED

PROCESS SERVER PROOF OF NON-SERVICE

TERRITORY OF THE VIRGIN ISLANDS)

DIVISION OF ST. CROIX)

SS.

I, DEIRDRE FINCH, being first duly sworn, declare under penalty of perjury that the following is true and correct.

1. I make this affidavit of my own personal knowledge.

2. I am a citizen of the United States, resident of the U.S. Virgin Islands, over 18 years of age. I am not a party in the above-entitled action, nor related to any of the parties herein; was duly appointed as a Process Server for the Superior Court of the Virgin Islands, under License No. 52/2014, of which order is still valid.

3. I received the Summons and Complaint in the above captioned case for service on October 26, 2021, in the name of Andrew Canning with the address of #1 Penitentiary, Christiansted, St. Croix.

Petro Industrial Solutions, LLC v. IPOS, et. al., Civil No. SX-2021-CV-00700

PROCESS SERVER PROOF OF NON-SERVICE

Page 2

4. I responded to #1-2 Rem Penitentiary, located in Christiansted, St. Croix. VITOL is the employer on site of the listed address.

5. The entrance to the facility is guarded and protected by a controlled entrance, operated by Security Personnel. There is no way to gain access to the offices of VITOL without being granted access by Security.

6. I met and spoke with Security Officer Denise Jackson who is employed with Comprehensive Security Concepts. I told Ms. Jackson that I was here to serve a Summons and Complaint on Andrew Canning. Ms. Jackson immediately responded telling me that Andrew Canning was not onsite.

7. Ms. Jackson informed me that Andrew Canning has not been in the office for approximately four months and does not live on island to her knowledge.

8. Ms. Jackson was asked by the undersigned to go into the VITOL office, after denying me access, as per security protocols to ascertain if anyone was willing to accept service on behalf of Andrew Canning that is an employee of VITOL. Ms. Jackson immediately did as I asked and came back to the gate and stated that the only employees on the premises were C-Operators of VITOL and no one would except service on behalf of Andrew Canning, due to the fact he is not directly employed by VITOL.

9. Ms. Jackson further stated that she was informed that Mr. Canning was a contract employee for a company working in conjunction with VITOL. The undersigned asked for the name of the contract company, of which she could not provide.

10. Ms. Jackson speaking with great hesitancy, would not provide the name of the VITOL employee that gave her this information to relay to the undersigned.

Petro Industrial Solutions, LLC v. IPOS, et. al., Civil No. SX-2021-CV-00700

PROCESS SERVER PROOF OF NON-SERVICE

Page 3

11. On October 25, 2021, requesting further information I learned that Andrew Canning does not live in the US Virgin Islands or the United States but is a resident of the UK, who travels back and forth for the purposes of immigration.

12. Therefore, the Summons and Complaint in the name of Andrew Canning could not be served upon him, due to the fact that he resides outside of the territory of the US Virgin Islands, has not been at the work site listed for approximately four months and not onsite at the time of attempted service.

Dated: October 27, 2021



DEIRDRE FINCH

SUBSCRIBED AND SWORN TO before me
on this 27th day of October 2021.



NOTARY PUBLIC



IN THE SUPERIOR COURT
OF THE VIRGIN ISLANDS

FILED

September 28, 2021 03:06 PM

SX-2021-CV-00700

TAMARA CHARLES
CLERK OF THE COURT

(CIVIL ACTION – ORIGINAL)

SUMMONS

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

PETRO INDUSTRIAL SOLUTIONS, LLC
(PETRO),

Plaintiff,

v.

ISLAND PROJECT AND OPERATING
SERVICES, LLC (IPOS), VITOL
HOLDING, CO. , VITOL VI and
ANDREW CANNING,

Defendants.

CIVIL NO. SX-2021-CV-700

BREACH OF CONTRACT

JURY TRIAL DEMANDED

TO: ANDREW CANNING
ADDRESS: #1 Penitentiary, Christiansted, VI 00820

Within the time limited by law (see note below) you are hereby required to appear before this Court and answer to a complaint filed against you in this action and in case of your failure to appear or answer, judgment by default will be taken against you as demanded in the complaint for damages.

Witness my hand and the Seal of the Court this 28th day of September, 2021.

/s/ Lee J. Rohn

Lee J. Rohn, Esquire

VI Bar No. 52

Lee J. Rohn and Associates, LLC

1108 King Street, Suite 3 (mailing)

56 King Street, Third Floor (physical)

Christiansted, VI 00820

Telephone: (340) 778-8855

Facsimile: (340) 773-2954

Ms. Tamara Charles,
Clerk of the Court

By: [Signature]
Court Clerk IX Supervisor

Note: The defendant, if served personally, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the plaintiff's attorney within twenty (20) days after service of this summons, excluding the date of service. The defendant, if served by publication or by personal service outside the jurisdiction, is required to file his answer or other defense with the Clerk of this Court, and to serve a copy thereof upon the attorney for the plaintiff within thirty (30) days after the completion of the period of publication or personal service outside of the jurisdiction.

(CIVIL ACTION – ORIGINAL)

RETURN OF SERVICE

I hereby certify that I received this summons on the 26th day of October, 2021, and that thereafter, on the ____ day of _____, 2021, I did serve the same on the above-named defendant, ANDREW CANNING by showing h ____ this original and by then delivering to h ____ a copy of the complaint and of the summons which were forwarded to me attached thereto.

Process Server

Deputy

RETURN OF NON-SERVICE

I hereby certify that I received this summons on the 27th day of October, 2021, and that after making a careful, diligent search, the Defendant cannot be found in this jurisdiction.

Alfred

Process Server

Deputy